

LABONI A. HOQ (SBN 224140)  
*laboni@hoglaw.com*  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, California 91030  
Telephone: (213) 973-9004

EVA BITRAN (SBN 302081)  
*ebitrان@aclusocal.org*  
ACLU FOUNDATION OF SOUTHERN CALIFORNIA  
1313 West Eighth Street  
Los Angeles, California 90017  
Telephone: (213) 977-9500  
Facsimile: (213) 915-0219

Attorneys for Plaintiff  
(additional counsel information on next page)

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION OF  
SOUTHERN CALIFORNIA,  
*Plaintiff,*

v.

UNITED STATES IMMIGRATION  
AND CUSTOMS ENFORCEMENT,  
UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY,  
*Defendants.*

Case No. 2:22-CV-04760-SHK

**PLAINTIFF'S STATEMENT OF  
UNCONTROVERTED FACTS IN  
SUPPORT OF MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
AGAINST DEFENDANT U.S.  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT**

Honorable Shashi H. Kewalramani  
United States Magistrate Judge

1 EUNICE CHO (*pro hac vice*)  
2 *echo@aclu.org*  
3 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
4 NATIONAL PRISON PROJECT  
5 915 Fifteenth Street NW, 7th Floor  
6 Washington, DC 20005  
7 Telephone: (202) 548-6616

8 KYLE VIRGIEN (SBN 278747)  
9 *kvirgien@aclu.org*  
10 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
11 NATIONAL PRISON PROJECT  
12 425 California St., Suite 700  
13 San Francisco, CA 94104  
14 Telephone: (202) 393-4930

15 *Attorneys for Plaintiff*

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 *ACLU of Southern California v. U.S. ICE, et al.,*  
28 Case No. 2:22-CV-04760-SHK  
PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS

**PLAINTIFF’S STATEMENT OF UNCONTROVERTED FACTS IN  
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT  
AGAINST DEFENDANT U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT**

- 1  
2  
3 1. Plaintiff submitted its FOIA request (“Request”) to Defendant ICE on April  
4 29, 2022, seeking information about ICE’s practice of deathbed releases of  
5 immigration detainees.

6 *Evidence:* ECF No. 1-1 (FOIA Request).

- 7 2. In a March 4, 2021 email, ICE’s Field Operations Division directed the “LOS”  
8 Field Office “to begin the necessary paperwork for a death notification in the  
9 event of [Mr. Vargas’s] demise.”

10 *Evidence:* Email chain dated Mar. 4, 2021, Ex. V, Cho Decl. at Bates 13390.

- 11 3. The Department of Homeland Security Office of Civil Rights and Civil  
12 Liberties (CRCL) issued a memorandum to 13 named ICE staff related to an  
13 investigation it had conducted at the Adelanto ICE Processing Center  
14 including into a complaint regarding ICE’s release of Mr. Vargas Arellano,  
15 requesting: “ICE provide a response to CRCL 60 days whether it concur or  
16 non-concur with these recommendations. If ICE concurs, please include an  
17 action plan.”

18 *Evidence:* Memorandum from Dana Salvano-Dunn, Ex. W, Cho Decl. at 1, 8–  
19 10.

- 20 4. According to ICE ERO Directive No. 11853.3, *Significant Detainee Illness*  
21 (SDI Directive), ICE maintains an “SDI list” that includes cases of detainees  
22 where there is “significant coordination required to repatriate or to release a  
23 detainee/resident in the United States due to their medical condition.”

24 *Evidence:* Exhibit A to Pl.’s Jun. 26, 2023 Letter, ICE, ICE ERO Directive No.  
25 11853.3, *Significant Detainee Illness*, Dec. 1, 2015, Ex. P, Cho Decl. at Bates  
26 No. 2047.

1 5. The SDI Directive describes a “SDI meeting” as “a collaborative effort  
2 involving IHSC, ERO Field Operations, and the Office of the Principal Legal  
3 Advisor (OPLA).”

4 *Evidence:* Exhibit A to Pl.’s Jun. 26, 2023 Letter, ICE, ICE ERO Directive No.  
5 11853.3, *Significant Detainee Illness*, Dec. 1, 2015, Ex. P, Cho Decl., at Bates  
6 No. 2047.

7 6. The Department of Homeland Security has described ICE’s Joint Intelligence  
8 Operations Center (JIOC) as “ICE’s JIOC “a round-the-clock facility that  
9 monitors significant event reports from ICE personnel, distributes information  
10 as appropriate throughout ICE, and briefs ICE leadership on important past  
11 and prospective events.”

12 *Evidence:* DHS, *Privacy Impact Assessment for the Significant Event*  
13 *Notification (SEN) System* 2 n.4, Oct. 15,  
14 2021, [https://www.dhs.gov/sites/default/files/publications/privacy-pia-](https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice023a-sen-october2021.pdf)  
15 [ice023a-sen-october2021.pdf](https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice023a-sen-october2021.pdf) [<https://perma.cc/7EEE-A6JW>].

16 7. The Department of Homeland Security has described ICE JIOC’s involvement  
17 with Significant Event Reports (SIRS). It has stated that JIOC “analyzes the  
18 SIRS and sends summaries of them to the appropriate . . . field offices.”

19 *Evidence:* DHS, *Privacy Impact Assessment for the Significant Event*  
20 *Notification (SEN) System* 1-2, Oct. 15,  
21 2021, [https://www.dhs.gov/sites/default/files/publications/privacy-pia-](https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice023a-sen-october2021.pdf)  
22 [ice023a-sen-october2021.pdf](https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice023a-sen-october2021.pdf) [<https://perma.cc/7EEE-A6JW>].

23  
24 8. As of April 2, 2022, ICE’s Pandemic Response Requirements required  
25 facilities to “[e]valuate all new admissions within five days of entering ICE  
26 custody to determine whether the detainees fall within . . . the subclasses

certified in *Fraihat*,” to enter data into ICE’s “*Fraihat* Compliance System platform,” and, when someone at risk for COVID complications tested positive for COVID, complete their documentation “on the latest version of the IHSC *Fraihat* Compliance System spreadsheet.”

*Evidence:* ICE, ERO COVID-19 Pandemic Response Requirements, at 9–14, 17 (Version 8.0, Apr. 2, 2022),

<https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities-v8.pdf> [<https://perma.cc/3JDD-AQZ8>].

9. As an ICE employee testified in a 2021 deposition, The “only place where [ICE was] actually capturing [COVID] hospitalization [data] is on the *Fraihat* [spreadsheets].”

*Evidence:* Pl.’s May 19, 2023 Letter, Excerpts of Deposition of Jennifer Moon, 163:4-10, Ex. T, Cho Decl. at 11.

10. As of November 2, 2023, “[i]ndividuals at ICE who are subject matter experts on the information requested [in Part 9 of Plaintiff’s FOIA request] believe[d] that the custodians most likely to possess responsive records [we]re the Regional Field Medical Coordinators and the Regional Health Service Administrators within IHSC.” There were nine such people.

*Evidence:* Defs.’ Nov. 2, 2023 Letter, Ex. K, Cho Decl. at 5–6.

11. As of November 2, 2023, ICE had proposed to search for documents responsive to Part 9 of Plaintiff’s FOIA request by searching IHSC’s Regional Field Medical Coordinators’ and Regional Health Service Administrators’ records using the following search:

(bill! OR invoice! OR charges OR payment OR benefits) AND  
(discharge OR transfer OR custody OR release OR Medicare OR  
PRUCOL OR “Martin Vargas Arellano” OR “Teka Gulema” OR

1 “Jose Ibarra Bucio” OR “Johana Medina Leon” OR “Jonathan  
2 Alberto Medina Leon”)

3 *Evidence:* Defs.’ Nov. 2, 2023 Letter, Ex. K, Cho Decl. at 5–6.

4 12. As of November 9, 2023, the parties were in agreement that ICE would search  
5 for documents responsive to Part 9 of Plaintiff’s FOIA request by searching  
6 IHSC’s Regional Field Medical Coordinators’ and Regional Health Service  
7 Administrators’ records using the following search:

8 (bill! OR invoice! OR charges OR payment OR benefits) AND  
9 (discharge OR transfer OR custody OR release OR Medicare OR  
10 PRUCOL OR “Martin Vargas Arellano” OR “Teka Gulema” OR  
11 “Jose Ibarra Bucio” OR “Johana Medina Leon” OR “Jonathan  
12 Alberto Medina Leon”)

13 The Court cited this agreement in a December 8, 2023 order, and Plaintiff  
14 cited it in a March 1, 2024 status report.

15 *Evidence:* Defs.’ Nov. 2, 2023 Letter, Ex. K, Cho Decl. at 5–6; Pl.’s Nov. 9,  
16 2023 Letter, Ex. J, Cho Decl. at 5; ECF No. 62 at 11; ECF No. 70 at 12.

17 13. ICE has never searched IHSC’s Regional Field Medical Coordinators’ and  
18 Regional Health Service Administrators’ records using the following search:

19 (bill! OR invoice! OR charges OR payment OR benefits) AND  
20 (discharge OR transfer OR custody OR release OR Medicare OR  
21 PRUCOL OR “Martin Vargas Arellano” OR “Teka Gulema” OR  
22 “Jose Ibarra Bucio” OR “Johana Medina Leon” OR “Jonathan  
23 Alberto Medina Leon”)

24 *Evidence:* Search Summary, Ex. A, Cho. Decl. at 11.

25 ///

26 ///

27 *ACLU of Southern California v. U.S. ICE, et al.,*  
28 Case No. 2:22-CV-04760-SHK  
PLAINTIFF’S STATEMENT OF UNCONTROVERTED FACTS

1 Dated: February 26, 2025

Respectfully submitted,

2  
3 /s/ *Laboni Hoq*

LABONI A. HOQ (SBN 224140)

laboni@hoqlaw.com

4 HOQ LAW APC

P.O. Box 753

5 South Pasadena, California 91030

Tel.: (213) 973-9004

6  
7 EVA BITRAN (SBN 302081)

ebitrان@aclusocal.org

8 ACLU FOUNDATION OF SOUTHERN  
CALIFORNIA

1313 West Eighth Street

9 Los Angeles, California 90017

Tel.: (213) 977-9500

10 Fax: (213) 915-0219

11 EUNICE CHO (Pro Hac Vice)

echo@aclu.org

12 AMERICAN CIVIL LIBERTIES

UNION FOUNDATION

13 915 Fifteenth Street NW, 7th Floor

Washington, DC 20005

14 Tel.: (202) 548-6616

15 KYLE VIRGIEN (SBN 278747)

kvirgien@aclu.org

16 AMERICAN CIVIL LIBERTIES

UNION FOUNDATION

17 425 California Street, Suite 700

San Francisco, CA 94104

18 Tel.: (202) 393-4930

19  
20 *Attorneys for Plaintiff*

21  
22  
23  
24  
25  
26  
27 *ACLU of Southern California v. U.S. ICE, et al.,*

28 Case No. 2:22-CV-04760-SHK

PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 *ACLU of Southern California v. U.S. ICE, et al.*, Case No. 2:22-CV-04760-SHK  
PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS